UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,470	08/26/2003	Bruno Richard	50014107-2	2318

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EXAMINER
SIDDIQI, MOHAMMAD A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/647,470	RICHARD, BRUNO
Office Action Summary	Examiner	Art Unit
	Mohammad A. Siddiqi	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 August 2003</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-20</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>26 August 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All   b) ☐ Some *   c) ☐ None of:
       1. ☒ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/26/2003</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed on 08/26/2003 is being considered by the examiner.

Claim Objections

3. The claims are objected to because they include reference character (54) generates a first and second list and (52) agent (52) extracts list of recipients in fig 5. Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims enclosed within parentheses should not create confusion. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Regarding claims 1 and 11 the step d) "applying said steps (a) to (d) to said second sublist of recipients" renders the claim indefinite because it is not clear how steps a) to d) can be applied.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 6-7, 9-11, 13-14, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilbert et al. (5,850,396) (hereinafter Gilbert).

8.   As per claim 1, Gilbert Discloses a process for distributing through a network an electronic message associated with a list of recipients, said process comprising the iterated application of the steps of:

a) extracting (54) from said list a first sublist and a second sublist of recipients (fig 9, col 7, lines 14-52);

b) identifying (55) a recipient within said first sublist which can be addressed via said network (fig 9, col 7, lines 14-52), and

c) transmitting said electronic message and said first sublist to said identified recipient for onward distribution (fig 9, col 7, lines 14-52); and

d) applying said steps (a) to (d) to said second sublist of recipients.

9.   As per claim 2, Gilbert Discloses receiving the message and a list of recipients for onward distribution (fig 9, col 7, lines 14-52).

10.   As per claim 3, Gilbert Discloses message and the list of recipients are contained in a package (list of nodes and two sublists, fig 9, col 7, lines 14-52), the step of transmitting the electronic message to the identified recipient comprising generating a new package (A is removed from one sublist, col 7, lines 20-25) comprising

the electronic message and the first list (fig 9, col 7, lines 14-52).

11.   As per claim 6, Gilbert Discloses the computation of said first and second sublist results in the generation of sublists of similar size (col 5, lines 45-61).

12.   As per claim 7, Gilbert Discloses the first and second sublists together comprise all the recipients listed in the list of recipients from which they are extracted in step (a) (fig 9, col 7, lines 14-52).

13.   As per claim 9, Gilbert Discloses iterated steps (a) to (d) are carried out in a single node of the network (fig 9, col 7, lines 14-52).

14.   As per claim 10, Gilbert Discloses process for distributing an electronic message associated with a list of recipients through a network comprising carrying out a process as claimed in claim 1 in plurality of nodes of the network upon receipt at each node of the message and an associated first sublist generated in another of the nodes until the message has been transmitted to all recipients on the list (col 4, lines 29-60; col 7, lines 14-52).

15.   As per claim 11, Gilbert Discloses process for distributing an electronic package received from a telecommunication network, said package comprising an electronic message accompanied by a list of recipients, said process comprising:

a) extracting (52) said list of recipients (fig 9, col 7, lines 14-52);

b) determining (53) whether said list of recipients includes at least two items and, if so (fig 9, col 7, lines 14-52);

c) generating (54) a first and second sublist of recipients extracted from said list (fig 9, col 7, lines 14-52);

d) identifying (55) one particular recipient from said second list which is reachable via said telecommunication network (fig 9, col 7, lines 14-52);

e) generating (56) a first subpackage (list of nodes after removing first node in the sublist, fig 9, col 7, lines 14-52) comprising said electronic document or file with said first sublist (fig 9, col 7, lines 14-52);

f) transmitting (57) said first subpackage (list of nodes in sublist, fig 9, col 7, lines 14-52) to said identified particular recipient (fig 9, col 7, lines 14-52);

applying steps b-f to said second sublist.

16.   As per claim 13, Gilbert Discloses the size of the first sublist is fixed to be equal to the integer which is immediately superior than half the number of items of the list of recipients (col 7, lines 14-25).

17.   As per claim 14, Gilbert Discloses the computation of said first and second sublist results in the generation of sublists of similar size (col 5, lines 40-50).

18.   As per claim 16, Gilbert Discloses a publishing agent (74, fig 8) in the form of a computer program having program code elements for carrying out the process (col 3, lines 58-67; col 6, lines 56-67).

19.   As per claim 17, Gilbert Discloses a computer program product comprising program code elements for distribution of flooding of an electronic file or document through a telecommunication network, and arranged to execute the steps of:

generating (41) a package comprising said electronic document or file accompanied by a list of recipients (list of nodes in the sublist, fig 9, col 7, lines 14-52);

transmitting (43) said package to a first recipient (list of nodes after removing first node in the sublist, fig 9, col 7, lines 14-52);

said first recipient extracting said list of recipients and

computing a first sublist and a second sublist of recipients (fig 9,

col 7, lines 14-53);

generating (54) a first subpackage comprising said

electronic file or document with said first sublist and transmitting

said first subpackage to a second recipient which is identified

from said first sublist (fig 9, col 7, lines 14-53);

generating (58) a second subpackage comprising said

electronic file or document with said second sublist (list of nodes

in the sublist, fig 9, col 7, lines 14-53) and processing again said

second package by said first recipient (list of nodes in the second

sublist fig 9, col 7, lines 14-53).

20.   As per claim 18, Gilbert Discloses Computer program product

comprising program code elements for allowing distribution or flooding

of one electronic file or document contained within a package including

a list of recipients through a telecommunication network, and arranged

to execute the steps of:

receiving (51) said package comprising said electronic

document or file accompanied with a list of recipients (fig 9, col

7, lines 14-53);

extracting from said package sand said list of recipients a first sublist and a second sublist of recipients (fig 9, col 7, lines 14-53);

generating (54) a first subpackage comprising said electronic file or document with said first sublist and transmitting said first subpackage to a second recipient which is identified from said first sublist as being reachable (fig 9, col 7, lines 14-53);

generating (58) a second subpackage comprising said electronic file or document with said second sublist (list of nodes in the sublist, fig 9, col 7, lines 14-53) and processing again said second package by said first recipient (list of nodes in the second sublist, fig 9, col 7, lines 14-53).

21.   As per claim 19, Gilbert Discloses a computer program product is embedded as a component of an operating system (data processing logic, col 3, lines 58-67).

22.   As per claim 20, Gilbert Discloses a data communications network wherein at least a subset of nodes comprise program code elements for carrying out a process (col 3, lines 58-67).

Claim Rejections - 35 USC § 103

23.   The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

24.   Claims 4, 5, 8, 12, and 15, are rejected under 35 U.S.C. 103(a)

as being unpatentable over Gilbert et al. (5,850,396) (hereinafter

Gilbert) in view of Murray et al. (6,6874,143) (hereinafter Murray).

25.   As per claim 4, Gilbert fails to disclose the package is an XML

document. However, Murray discloses the creating package using XML

(fig 6, col 14, lines 38-62). It would have been obvious to one of

ordinary skill in the art at the time of the invention was made to

modify the teaching of Gilbert with Murray because Murray's use of

XML to create a package for describing contents, recipient node

addresses and other metadata of the message would provide "Gilbert's

system an open standard for describing data to facilitate the sharing of

data across different information system (motivation is evident in

Gilbert, col 7, line t0 col 8, line 13).

26.   As per claim 5, the claim is rejected for the same reasons as

claim 4, above. In addition, Murray discloses electronic package

comprises information defining the size and the date of creation of said

electronic message (fig 3).

27.   As per claim 8, the claim is rejected for the same reasons as

claim 4, above. In addition, Murray discloses transmission of the

electronic message is performed via a Hyper-Text Transfer Protocol

link (XML document can be transmitted using HTTP protocol over the

internet, col 4, lines 1-13)

28.   As per claim 12, Claim is rejected for the same reasons as claims

4-5, above.

29.   As per claim 15, Claim is rejected for the same reasons as claim

8, above.

Conclusion

30.   The prior art made of record and not relied upon is considered

pertinent to applicant's disclosure:

U.S. Patent 6,336,119 teaches content-based publish-

subscribe system.

U.S. Patent 7,054,276 teaches multicast messaging based

on publish/subscribe model

U.S. Patent 7,051,070 teaches dynamic routing in a

publish/subscribe architecture.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Mohammad

A. Siddiqi whose telephone number is (571) 272-3976. The examiner

can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Nathan J. Flynn can be

reached on (571) 272-1915. The fax phone number for the

organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be

obtained from the Patent Application Information Retrieval (PAIR)

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NATHAN FLYNN
SUPERVISORY PATENT EXAMINER

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unpublished applications is available through Private PAIR only. For

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direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-

217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-

272-1000.

MAS